UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,366	07/05/2004	Heng-Chien CHEN	TRAP0013USA	4365

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EXAMINER
YANG, LINA

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	**Applicant(s)**
	10/710,366	CHEN, HENG-CHIEN
Office Action Summary	**Examiner**	**Art Unit**
	Lina Yang	2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 July 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>05 July 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
> (e) the invention was described in (1) an application for patent, published under section 122(b),
> by another filed in the United States before the invention by the applicant for patent or (2) a
> patent granted on an application for patent by another filed in the United States before the
> invention by the applicant for patent, except that an international application filed under the treaty
> defined in section 351 (a) shall have the effects for purposes of this subsection of an application
> filed in the United States only if the international application designated the United States and
> was published under Article 21(2) of such treaty in the English language.

1.   Claims 1, 7, 10 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated

by Nag (U.S. Patent Application No. 20040172464 A1).

Regarding claim 1, Nag teaches a method of routing data between IP-based

telephone extensions in a telecommunications network (fig. 1 and fig. 13), the method

comprising:

providing a first remote telephone group containing a first set of IP-based

telephones (111-113 in fig. 1 and fig. 13) and a second remote telephone group

containing a second set of IP-based telephones (121-123 in fig. 1 and fig. 13), the first

and second remote telephone groups being connected to the Internet through first and

second IP sharing devices (110 and 120 in fig. 1 and fig. 13), respectively;

connecting a main host (centralized entity 140 in fig. 1 and main MAM
Gatekeeper in fig. 13) to the Internet for controlling data traffic over the Internet between
the first remote telephone group and the second remote telephone group;

connecting a remote host (media aggregation manager MAM 115 or the
combination of MAM115 and call management agent CM 130 in fig. 1 and fig. 13) to
the Internet through the first IP sharing device for linking the first remote telephone
group to the second remote telephone group and main host;

the remote host connecting with and logging into the main host (step 1330 in fig.
13 and [0146]) ;

generating data packets with a source IP-based telephone in the first remote
telephone group (IP phone 111 in fig.13) for contacting a destination IP-based
telephone in the second remote telephone group (IP phone 121 in fig. 13);

transmitting the data packets to the remote host ([0146]);

the remote host transmitting the data packets to the main host ([0146]); and

the main host transmitting the data packets to the destination IP-based telephone
in the second remote telephone group for establishing communication between the
source IP-based telephone in the first remote telephone group and the destination IP-
based telephone in the second remote telephone group (fig. 13 and [0146] –[0150]).

Regarding claims 7 and 16, Nag further teaches that the remote host performs
bandwidth control functions for the first remote telephone group ([0055]).

Regarding claim 10, Nag further teaches a method of routing data between IP-based telephone extensions in a telecommunications network (fig. 1 and fig. 13), the method comprising:

providing a first remote telephone group containing a first set of IP-based telephones (111-113 in fig. 1 and fig. 13) and a second remote telephone group containing a second set of IP-based telephones (121-123 in fig. 1 and fig. 13), the first and second remote telephone groups being connected to the Internet through first and second IP sharing devices (110 and 120 in fig. 1 and fig. 13), respectively;

connecting a main host (centralized entity 140 in fig. 1 and main MAM Gatekeeper in fig. 13) to the Internet for controlling data traffic over the Internet between the first remote telephone group and the second remote telephone group;

connecting a first remote host (media aggregation manager MAM 115 or the combination of MAM115 and call management agent CM 130 in fig. 1 and fig. 13) to the Internet through the first IP sharing device for linking the first remote telephone group to the second remote telephone group and main host;

connecting a second remote host (media aggregation manager MAM 115 or the combination of MAM125 and call management agent CM 150 in fig. 1 and fig. 13) to the Internet through the second IP sharing device for linking the second remote telephone group to the first remote telephone group and main host;

the first and second remote hosts connecting with and logging into the main host (step 1330 in fig. 13 and [0146]) ;

generating data packets with a source IP-based telephone in the first remote

telephone group (IP phone 111 in fig.13) for contacting a destination IP-based

telephone in the second remote telephone group (IP phone 121 in fig. 13);

transmitting the data packets to the first remote host ([0146]);

the first remote host transmitting the data packets to the second remote

host([0146] and fig. 13); and

the second remote host transmitting the data packets to the destination IP-based

telephone in the second remote telephone group for establishing communication

between the source IP-based telephone in the first remote telephone group and the

destination IP-based telephone in the second remote telephone group(fig. 13 and

[0146] –[0150]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented
> and the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 2-6 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Nag (U.S. Patent Application No. 20040172464 A1).

Regarding claims 2 and 11, Nag teaches a method of routing data from an IP-

based telephone in the first remote telephone group to an IP-based telephone in the

second remote telephone group. Nag differs from the claimed invention in that Nag does not specifically teach routing data from an IP-based telephone in the second remote telephone group to an IP-based telephone in the first remote telephone group. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include routing data from an IP-based telephone in the second remote telephone group to an IP-based telephone in the first remote telephone group, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *in re Einstein, 8 USPQ 167.*

Regarding claims 3 and 12, Nag teaches a method of routing data from an IP-based telephone in the *first* remote telephone group to an IP-based telephone in the *second* remote telephone group. Nag teaches Nag differs from the claimed invention in that Nag does not specifically teach routing data from an IP-based telephone in the *first* remote telephone group to an IP-based telephone in the *first* remote telephone group. However, follow the steps in fig. 13 and description in [0146]-[0150], it's obvious that the main host (main MAM gatekeeper) knows that remote host (CM 130 along with MAM 115) is the local host for the IP phones in the first group, so it will grand the remote host (CM 130 along with MAM 115) establishing a direct connection between the source IP-based telephone and the destination IP-based telephone. Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include routing data from an IP-based telephone in the *first* remote telephone group

to an IP-based telephone in the *first* remote telephone group to accommodate different combination of calling and called parties.

Regarding claims 4 and 13, Nag further teaches that the source IP-based telephone communicates with the destination IP-based telephone locally without connecting to the Internet (as applicant's own admitted, the destination IP-based telephone is "local" with respect to the source IP-based telephone, it's obvious that the local communication is not necessary to go thorough the Internet in order to conserve the network resource).

Regarding claims 5 and 14, Nag teaches a method of routing data from an IP-based telephone in the *first* remote telephone group to an IP-based telephone in the *second* remote telephone group. Nag teaches Nag differs from the claimed invention in that Nag does not specifically teach: terminating connection between the remote host and the main host; generating data packets with a source IP-based telephone in the first remote telephone group for contacting a destination IP-based telephone in the first remote telephone group; the remote host establishing a direct connection between the source IP-based telephone and the destination IP-based telephone; and the source IP-based telephone communicating with the destination IP-based telephone. However, as applicant's own admitted, the destination IP-based telephone is "local" with respect to the source IP-based telephone when both IP phones are in the same group, therefore it's obvious that the local communication does not need keeping the connection

between the remote host and the main host, in order to conserve the network resource

the connection should be terminated. In addition, the remote host (CM 130 along with

MAM 115) has the control of traffic within the local group ([0041]), therefore, the remote

host is responsible for establishing a direct connection between the source IP-based

telephone and the destination IP-based telephone; and the source IP-based telephone

communicating with the destination IP-based telephone.

Regarding claims 6 and 15, Nag further teaches that the source IP-based

telephone communicates with the destination IP-based telephone locally without

connecting to the Internet (as applicant's own admitted, the destination IP-based

telephone is "local" with respect to the source IP-based telephone, it's obvious that the

local communication is not necessary to go thorough the Internet in order to conserve

the network resource).

3.   Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nag (U.S. Patent Application No. 20040172464 A1) in view of Chiu (U.S. Patent

Application No. 20030031134 A1.

Regarding claims 8 and 17, Nag differs from the claimed invention in that Nag

does not specifically teach the remote host sends duplicate copies of system

information received from the main host to each of the IP-based telephones. However,

Chiu teaches the remote host (TOD server 220 in fig. 2) sends duplicate copies of

system information (time) received from the main host (Element Management system

222 in fig. 2) to each of the IP-based telephones (210 in fig. 2 and [0022]). Therefore, it

would have been obvious for one of ordinary skill in the art at the time when the

invention was made to include the remote host sends duplicate copies of system

information received from the main host to each of the IP-based telephones, as taught

by Chiu in the assembly of Nag in order to synchronize the time.

4.   Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nag (U.S. Patent Application No. 20040172464 A1) in view of Rotholtz (U.S. Patent

Application No. 20040128531 A1).

Regarding claims 9 and 18, Nag further teaches that the first and second IP

sharing devices (routers 110 and 120 in fig. 1) each share a connection to a local IP

address ([0150]). Nag differs from the claimed invention in that Nag does not specifically

teach that the local IP address is a dynamic IP address. However, Rotholtz teaches that

a DHCP server can be incorporated into the router to assign the dynamic address.

Therefore, it would have been obvious for one of ordinary skill in the art at the time

when the invention was made to include dynamic IP address, as taught by Rotholtz in

the assembly of Nag in order to conserve the static IP address.

Conclusion

5.   Applicant's amendments necessitated the new ground(s) of rejection presented in this Office action. The amended claim(s) contains new scopes. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lina Yang whose telephone number is (571)272-3151.

The examiner can normally be reached Monday through Thursday between 8:00 a.m.

and 7:00 p.m. eastern standard time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the

organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

LY

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